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HOUSE BILL 664

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

P. David Vickers

AN ACT

RELATING TO LIVESTOCK; CLARIFYING DUTIES OF THE NEW MEXICO  
LIVESTOCK BOARD PERTAINING TO TRESPASS LIVESTOCK; EXTENDING  
THE POWER OF THE BOARDS OF COUNTY COMMISSIONERS AS IT PERTAINS  
TO LIVESTOCK RUNNING AT LARGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-2-9 NMSA 1978 (being Laws 1967,  
Chapter 213, Section 8, as amended) is amended to read:

"77-2-9. REPORTS OF INSPECTORS--PROSECUTION OF  
VIOLATIONS OF LIVESTOCK LAWS. --

A. The [~~New Mexico livestock~~] board shall keep  
reports of its veterinarians and inspectors in accordance with  
the Public Records Act.

B. The [~~New Mexico livestock~~] board shall assist  
in the prosecution of persons charged with the violation of

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1 the livestock laws and in the protection of the public from  
2 trespassing cattle and may call upon any inspector or other  
3 peace officer to execute its orders, and when it does, the  
4 officer or inspector shall obey the order of the board. "

5 Section 2. Section 77-14-3 NMSA 1978 (being Laws 1901,  
6 Chapter 28, Section 1, as amended) is amended to read:

7 "77-14-3. TRESPASS ON LANDS. --

8 A. It is unlawful for [~~any~~] a person [~~company or~~  
9 ~~corporation or its~~] or his agents or employees having charge  
10 of any livestock [~~or other animals~~] to permit or allow the  
11 livestock to go upon the lands of others in this state for the  
12 purpose of grazing or watering upon any waters upon the lands  
13 without the permission of the owner or legal claimant or his  
14 agent. The provisions of this section apply not only to  
15 titled lands in this state but to any lands upon which any  
16 person may have a valid existing filing under the laws of the  
17 United States or any lands which may be leased by any person  
18 from the state.

19 B. [~~Any~~] A person [~~company, corporation~~],  
20 including a landowner's association, or a representative of a  
21 military reservation or enclave who may claim the benefits of  
22 the protection of this section shall carefully and  
23 conspicuously mark the line of his lands so that such mark may  
24 be easily seen by persons handling livestock and shall post a  
25 notice upon the land conspicuously, warning against

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1 trespassing or shall serve personal written notice giving  
2 description of the land by government surveys or by metes and  
3 bounds. "

4 Section 3. Section 77-14-4 NMSA 1978 (being Laws 1909,  
5 Chapter 146, Section 1, as amended) is amended to read:

6 "77-14-4. ANIMALS RUNNING AT LARGE IN MUNICIPALITIES,  
7 UNINCORPORATED TOWNS, CONSERVANCY DISTRICTS, IRRIGATION  
8 DISTRICTS AND ON MILITARY RESERVATIONS OR ENCLAVES. -- The  
9 boards of county commissioners of the counties of this state  
10 [~~are authorized and empowered to~~] may prohibit the running at  
11 large of livestock within the limits of any conservancy or  
12 irrigation district organized under the laws of the state  
13 [~~and~~], within the limits of a platted townsite or platted  
14 addition of an unincorporated town having a population not  
15 less than three hundred people or within any portion of a  
16 military reservation or enclave, [~~and~~] situate in whole or in  
17 part in such county. The high line canals of the conservancy  
18 or irrigation district and the fence erected by a military  
19 reservation or enclave are the boundaries of the district for  
20 the purposes of Sections 77-14-4 through 77-14-7 NMSA 1978. "

21 Section 4. Section 77-14-36 NMSA 1978 (being Laws 1975,  
22 Chapter 329, Section 1, as amended) is amended to read:

23 "77-14-36. IMPOUNDMENT OF TRESPASS LIVESTOCK. --

24 A. [~~Any~~] Livestock found to be in trespass upon  
25 the lands of another or running at large upon any public

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1 highway ~~[which]~~ that is fenced on both sides or running at  
2 large within the limits of any municipality, unincorporated  
3 town or village or within a military reservation or enclave  
4 ~~[whether incorporated or not is subject to impoundment]~~,  
5 regardless of compliance with Section 77-16-1 NMSA 1978, shall  
6 be impounded or otherwise removed by or with the assistance of  
7 an agent of the ~~[New Mexico livestock]~~ board. The place of  
8 impoundment shall be at the nearest or most convenient  
9 location from where the trespass occurred.

10 B. ~~[Any]~~ Livestock impounded under the provisions  
11 of this section will be released to the owner or his  
12 representative upon the payment by the owner of a fee set by  
13 regulation of the ~~[New Mexico livestock]~~ board not to exceed  
14 amounts prescribed by law for impounding ~~[if any incurred]~~.

15 C. The ~~[New Mexico livestock]~~ board shall  
16 designate ~~[the person]~~ a custodian and a place of impoundment  
17 and allow a reasonable fee to be charged by the custodian of  
18 the impounded livestock; provided that in case of a  
19 controversy as to what constitutes a reasonable charge, the  
20 board shall set the amount of the charge.

21 D. This section shall not be construed to affect  
22 the obligation of a property owner of meeting the requirements  
23 of Section 77-16-1 NMSA 1978 for fencing against such  
24 trespasses.

25 E. Any cost charged against trespass livestock

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1 will be a lien on the livestock. If the owner does not pay  
2 the charges and reclaim possession of the livestock within  
3 five days after receipt of notification by the owner, the  
4 livestock shall be considered unclaimed estrays and may be  
5 sold in accordance with the provisions of Section 77-13-5 NMSA  
6 1978. "